

Wilson County Board of Zoning Appeals Minutes
August 20, 2020

The Wilson County Board of Zoning Appeals met August 20, 2020 at 9:00 a.m. in the County Commission Room of the Wilson County Courthouse, Lebanon, Tennessee, pursuant to public notice. Those members present were Abercrombie, Blaydes, Kawczynski, Neal, Thompson and Thorne. Also, present was County Planning staff, Building Inspector staff, Storm Water staff, County Attorney Mike Jennings and Court Reporter Teresa Hatcher hired by the county.

Thompson called the meeting to order. Thompson informed individuals with questions or who desire to make comments before the Board concerning the cases to approach the podium when asked by the Chairman and to sign in on the sign-up sheet giving name, address, and case of interest. Thompson informed individuals that anyone desiring to withdraw, or request deferral could do so at this time. Thompson informed everyone that a stenographer was present, and individuals could get with her at the end of the meeting if they desired a transcript of the meeting. Thompson then asked all individuals who desired to make statements before the Board to raise their hands. He thereupon administered the oath to each of the prospective witnesses. Thompson stated that staff makes recommendations which are considered by the Board.

Minutes of the July 16, 2020 meeting were approved, motion made by Kawczynski, second by Thorne and all voting aye.

The following cases were presented:

CASE 3809

REQUEST: **Clay Sanders** is seeking a variance of twelve (12) feet from the minimum of fifty (50) feet in width to the building setback line. The proposed property located at 1088 Pinhook Road, Lot 1, Billy Jo Sanford Property is a portion of Parcel 19 on Wilson County Tax Map 93. The property will consist of 5.58 acres and is zoned A-1 Agricultural.

ORDINANCE REFERENCE: ARTICLE 3 GENERAL PROVISIONS - SECTION 3.40 NUMBER AND LOCATION OF BUILDINGS ON LOT - 3.40.03 No building shall be erected on a lot which does not continuously abut at least one public street for at least fifty (50) feet; the lot must be a minimum of fifty (50) feet in width to the building setback line.

ACTION: Staff read recommendations. Applicant appeared representing the request. Staff read a letter in favor of the variance. After discussion, motion made by Neal, second by Thorne, all voting aye, with the exception of Thompson and Kawczynski voting no. The request was approved based on the hardship that was created previously.

CASE 3810

REQUEST: **Alexis McNelle** is seeking to waive the requirement of fifty (50) feet of public road frontage in order to convert the existing barn into a single-family residence. The property became of record in October 2018. The property located at 1183 Rocky

Valley Road, Lot 12A, Daily Property is Parcel 38.30 on Wilson County Tax Map 103. The property consists of ten (10) acres and is zoned A-1 Agricultural.

ORDINANCE REFERENCE: ARTICLE 3 GENERAL PROVISIONS - SECTION 3.20 GENERAL EXCEPTIONS - 3.20.01 SUBSTANDARD LOT OF RECORD. Where the owner of a lot of record is defined in Article 2, Definitions does not own sufficient land to enable him to conform to the yard and other requirements of this Resolution, such lot may be used as a building site by the same or a subsequent owner provided that the yard space and other requirements shall conform to the requirements for the zone in which it is located. The lot must have been of official record as of July 10, 1974.

SECTION 3.40 NUMBER AND LOCATION OF BUILDINGS ON LOT - 3.40.03 No building shall be erected on a lot which does not continuously abut at least one public street for at least fifty (50) feet.

ACTION: Staff read recommendations. Applicant appeared representing the request. After discussion, motion made by Kawczynski, second by Neal and all voting aye, the request was denied based on staff recommendations.

CASE 3811

REQUEST: **Dana Chapman** is requesting a continued use of The Haunted Woods for the years 2022 through 2025. The applicant has received approval from the board on February 19, 2016 through the year 2021. The property located at 7040 Murfreesboro Road is Parcel 31 on Wilson County Tax Map 136. The property consists of 38.14 acres and is zoned A-1 Agricultural.

ORDINANCE REFERENCE: ARTICLE 5 ZONING DISTRICTS - SECTION 5.20 AGRICULTURAL (A-1) - 5.20.03 USES PERMISSIBLE ON APPEAL (revised 12/15/2003 resolution 03-12-2) - 5.20.03.1 USES PERMISSIBLE ON APPEAL – DD. Other similar uses as reviewed and approved by the Board of Zoning Appeals.

ACTION: Staff read recommendations. Applicant appeared representing the request. After discussion, motion made by Neal, second by Kawczynski and all voting aye, the request was approved through 2025 based on staff recommendations and previous history.

CASE 3812

REQUEST: **Jack Lowery Jr.** is seeking to abandon a two hundred (200) feet variance from the buffer zone requirement of four hundred (400) feet as previously approved by the board on December 20, 2002 for property located at 1925 Murfreesboro Road, Parcel 21.01 on Wilson County Tax Map 103 consisting of 2.02 acres and 1943 Murfreesboro Road, Parcel 20 on Wilson County Tax Map 103 consisting of 2.1 acres. Both of these properties have been rezoned to I-2 Industrial and will be acquired by Vulcan Lands Inc. As such they are seeking this abandonment to permit active quarrying within approximately two hundred and fifty (250) feet from Murfreesboro Road. The abandonment of this buffer variance does not include the southwest corner of Parcel 22.05 on Wilson County Tax Map 103 located at 410 Rocky Valley Road. The property located at 1933 Murfreesboro Road is Parcel 21 on Wilson County Tax Map 103. The property consists of 32.01 acres and is zoned I-2 Industrial.

ORDINANCE REFERENCE: ARTICLE 5 ZONING DISTRICTS - SECTION 5.41 INDUSTRIAL (I-2) - 5.41.03 USES PERMISSIBLE ON APPEAL The following uses

may be permitted, provided, that no such use shall be located nearer than four hundred (400) feet to a public park, school, church, hospital, sanitarium, residential zone, or subdivided land restricted to residential uses, except as otherwise provided in Section 6.40 of this regulation. J. Mining and mineral extraction subject to all requirements of state and federal law and such local requirements as may be placed by the Board of Zoning Appeals and/or Planning Commission.

ACTION: Staff read recommendations. Applicant appeared representing the request. After discussion, motion made by Thompson, second by Kawczynski and all voting aye, the request was approved based on the four hundred (400) feet buffer being maintained, the birm is established within one (1) year and once the existing homes are removed the area will be beautified.

CASE 3813

REQUEST: **Steven Volkman** is seeking to place a recreational vehicle on the property to live in temporarily until he is prepared to permit a single-family residence. The applicant is also seeking to waive all permits and fees. The property located at 4000 Patton Hollow Road, Lot 1, Horse Thief Hollow Ranches is a portion of Parcel 9.02 on Wilson County Tax Map 147. The property consists of 71.36 acres and is zoned A-1 Agricultural.

ORDINANCE REFERENCE: ARTICLE 5 ZONING DISTRICTS - SECTION 5.20 AGRICULTURAL (A-1) - 5.20.04 USES PROHIBITED - C. Travel Trailers as defined in the Wilson County Zoning Ordinance are not permitted as a permanent dwelling and therefore, the County Zoning Administrator will not release electrical permits for such to be connected in one location for an extended period, nor will the Administrator issue building permits or occupancy permit for these structures unless they are converted and constructed with a permanent foundation and required perimeter foundation wall across all sides of the structure. Travel Trailers ARE however permitted to be stored on a property in this zone district as long as they are owned by the property owner and as long as no one inhabits said trailer for generally more than two weeks at a time. (resolution 19-6-16)

ACTION: Staff read recommendations. Applicant appeared representing the case. After discussion, motion made by Abercrombie to defer. There was a lack of a second, therefore, Abercrombie withdrew his motion. After further discussion, motion made by Neal, second by Thorne and all voting aye, the request was denied based on staff recommendations and testimony given.

CASE 3814

REQUEST: **Shiloh Baptist Church** is seeking to establish a church use on R-1 Residential zoned properties. The properties located at 1544 Pleasant Grove Road, Lot 1, Telford Property is Parcel 53.01 consisting of 1.55 acres and Parcel 53 consisting of 24.50 acres, both parcels are on Wilson County Tax Map 76.

ORDINANCE REFERENCE: ARTICLE 5 ZONING DISTRICTS - SECTION 5.10 RURAL RESIDENTIAL (R-1) - 5.10.03 USES PERMISSIBLE ON APPEAL –
A. Church

ACTION: Staff read recommendations. Chuck Workman, Senior Pastor appeared representing the case. After discussion, motion made by Kawczynski, second by

Abercrombie and all voting aye, the request was approved based on staff recommendations.

CASE 3815

REQUEST: Dean Design Group is seeking to establish (2) dwellings on one (1) tract of land. The property located at 1342 Harkreader Road is Parcel 58 on Wilson County Tax Map 100. The property consists of 34.50 acres and is zoned A-1 Agricultural. This property will also be used for Agri-tainment purposes that is allowed by the State of Tennessee without the requirement of the county's approval.

ORDINANCE REFERENCE: ARTICLE 3 GENERAL PROVISIONS - SECTION 3.40 NUMBER AND LOCATION OF BUILDINGS ON LOT - 3.40.03 No building shall be erected on a lot which does not continuously abut at least one public street for at least fifty (50) feet.

ACTION: Staff read recommendations. Charles Dean appeared representing the request. Craig Cunningham, owner of the property appeared. After discussion, the applicant and the owner requested withdrawal. Motion made by Kawczynski, second by Abercrombie and all voting aye, the request was withdrawn.

Discussion was had regarding an office policy for grandfathered residential lots with residential non-conforming structure within residential zone districts.

Regarding Grandfathered Residential Lots with Residential nonconforming Structures Within Residential Zone Districts.

For lots created prior to 1974 with a non-conforming principle structure built prior to 1974:

Staff will interpret that variances are not needed for structure additions or additional structures to receive a building permit so long as additions or additional structures will meet current setbacks.

When variances ARE required for additions or additional structures regarding setbacks, staff will also include variance requests for any necessary lot width or lot size requirements shortfalls in the requests.

Reasoning: These types of setback, lot width and lot size variance requests for existing structures come before the board often, taking up time and staff resources when the end result is nearly universal in recommendation of approval by staff and grant of approval by the board. The cost to the consumer for these types of requests is \$200.00 in order to receive what could otherwise be administered as a clerical approval free of charge.

For Clarity: Any structure created after 1974 which is on a lot created after 1974 will still be required to come before this board for variance consideration if setback, lot size, lot width or other bulk requirements do not appear compliant. These conditions when created after 1974 indicate potential non-compliance with zoning regulations which became effective in Wilson County in 1974 or thereafter.

Furthermore, any grandfathered additions to a grandfathered, non-conforming structure that seeks to encroach upon an existing required building setback will still be required to come before the Board of Zoning Appeals for variance request.

After discussion, motion by Thompson, second by Kawczynski and all voting aye, the office policy was endorsed.

There being no further business to come before the Board at this time, on motion duly made and seconded, adjourned.

Secretary